

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 1 and 4-6 have been amended to improve the forms thereof, and claims 2 and 3 have been cancelled. Thus, claims 1 and 4-6 are pending for further examination.

Claims 1-6 remain rejected under 35 USC 102(b) as being anticipated by Nathan (WO 96/12257). For at least the following reasons, Applicant respectfully submits that the amended claims herein are not anticipated by Nathan. Thus, reconsideration and withdrawal of this rejection are requested.

For a reference to anticipate a claim, each element must be found in the reference, either expressly or under the principles of inherency. Each element of the claimed invention is not found in Nathan. For example, Nathan does not teach or suggest “opening a reception file on a storage area of said audiovisual data reproduction system, said storage area being a permanent storage area having an available memory of a specified minimum size for storing a file to be sent by the central server” as required by currently amended independent claim 1.

The Office Action alleges that Nathan “inherently check[s] ahead for space availability on the storage device before the system [is] able to write the entire/complete received files to it.” Applicant respectfully submits that the Office Action misrepresents the teachings of Nathan.

Nathan is directed to accurate storage of data on a terminal. Clearly, the accurate storage of received data depends, at least in part, on the capacity of the mass storage device included in the terminal. According to Nathan, a communications protocol allows communications with the central server by uploading or downloading information (page 22, lines 23-27). Reception of a *data block* is accepted from a central server (page 18, lines 33-36; page 19, line 1), and data is received in *buffers of the memory of the telecommunications device* (page 19, lines 26-28). But when data is received into the buffer of the telecommunications device, if the mass storage device does not have a sufficient storage capacity, the data cannot be registered and must be sent again, in whole or in part. There is absolutely nothing in Nathan to teach or suggest checking space availability before writing data from the temporary buffers of the communications device to the mass storage device. And, even if there were, the invention defined by the claims would not be anticipated by such a teaching because it requires receiving data to permanent storage areas having available memories of specified minimum sizes.

Indeed, according to Nathan, a video or audio task is designed to transfer received from the telecommunications buffer to the mass storage device (page 18, lines 5-10). If registration of one or more songs or videos (or part of a song or video) have not been accomplished because of a lack of space on the disk or storage device, the system of each jukebox signals to the manager, by a display or audio message, the packet number or numbers of the song or video which have not been registered because of a lack of space (page 25, lines 35-36; page 26, lines 1-10). This allows the manager, after having

decided to erase certain songs or videos from the hard disk, to again request that the central server send these songs or videos, or the part not received. Thus, Nathan teaches a file reception process in which packets received in a buffer are transferred to a mass storage device *after* they are stored in a temporary storage buffer. File management problems may occur, however, because of a lack of space.

One advantage of the invention defined by the claims is that it provides a file reception process that does not require temporary file storage buffers (page 1, lines 12-15). Thus, unlike Nathan, the claimed invention downloads data to “a *permanent* storage area having an available memory of a specified minimum size.” Thus, unlike Nathan, the data is not stored in a temporary storage buffer of a telecommunications device, but in any area of the permanent storage device, provided that the area has a specified minimum size. The file received later may be copied to a specified memory area, and the file received may be kept in its initial location until the database update steps are preformed (page 8, lines 29-32), although such steps are not required by claim 1 and are provided for illustrative purposes only. Thus, Applicant respectfully submits that amended independent claim 1 is not anticipated by Nathan.

Applicant respectfully submits that dependent claims 4-6 are allowable at least by virtue of their dependence from allowable, independent amended claim 1. Thus, withdrawal of these rejections is earnestly solicited.

In view of the foregoing amendments and remarks, Applicant believes that the amended claims herein clearly and patentably distinguish the prior art of record and are in

NATHAN et al
Appl. No. 09/583,863
July 26, 2006

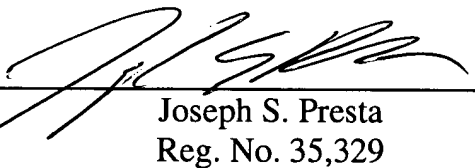
condition for allowance. Thus, withdrawal of the rejections and allowance of this application is respectfully requested.

Should the Examiner have any questions regarding this amendment, or deem that any formal matters need to be addressed, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



Joseph S. Presta
Reg. No. 35,329

JSP:jr/mg
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100